

Amendments to the Drawings:

The attached sheets of drawings includes new Figures 1-2P.

Attachment: Replacement Sheets

REMARKS

Claims 1-14, 16-28 and 30-31 are pending. By the Office Action, claim 32 is withdrawn from consideration; new Figures are required; claims 1-14 and 22-28 are rejected under 35 U.S.C. §102(b); and claims 1-31 are rejected under 35 U.S.C. §103(a). By this Amendment, claims 15, 29 and 32 are canceled, and claims 1, 16 and 17 are amended. New Figures 1-2P are added.

Support for new Figures 1-2P can be found in the specification and claims as filed, for example in claims 1-2, 8-11 and 31, as well as in U.S. Patent Application Serial No. 10/209,907, filed August 2, 2002, which is incorporated by reference in its entirety at paragraph [0051]. Support for amended claim 1 can be found in claims 1, 15 and 29 as originally filed, as well as in the specification at paragraph [0034]. No new matter is added.

Applicants thank the Examiner for the courtesies extended at the May 4, 2005, personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks. During the Interview, Applicants' demonstrated an embodiment of the claimed invention, demonstrating how the claimed invention permits preparation of cooked items in the microwave by a microwave "frying" process that have a crisp, browned outer surface, similar to a product obtained by a conventional frying process. Applicants appreciate the indication at the Interview that the amended claims appear to distinguish over the art of record.

I. Restriction Requirement

Claim 32 is withdrawn from consideration as subject to a Restriction Requirement. By this Amendment, claim 32 is canceled.

II. Objection to Drawings

The Office Action objects to the specification and requires that new Figures be provided. Specifically, the Office Action argues that new Figures must be provided under 37

C.F.R. §1.83(a), to show the features of claims 2, 8-11 and 31. By this Amendment, new Figures 1-2P are provided to show these features. Reconsideration and withdrawal of the objection are respectfully requested.

III. Claim Rejections

A. §102 - GB 2,228,662 to Schiffmann

Claims 1-14 and 22-28 are rejected under 35 U.S.C. §102(b) over Schiffmann.

Applicants respectfully traverse this rejection.

Although Applicants do not necessarily agree with the rejection, in the interest of advancing prosecution claim 1 is amended herein to incorporate the subject matter of non-rejected claims 15 and 29. Accordingly, the rejection is overcome and must be withdrawn.

B. §103 - GB 2,228,662 to Schiffmann

Claims 15-21 and 29-31 are rejected under 35 U.S.C. §103(a) over Schiffmann.

Applicants respectfully traverse this rejection. Because claims 15 and 29 are incorporated into claim 1, the rejection is traversed with respect to pending claims 1-14, 16-28 and 30-31.

Schiffmann is cited as teaching or suggesting all of the limitations of the claimed invention. The Office Action argues that the reference discloses microwave cooking processes, where a coating composition is applied to a food load for cooking in a microwave oven. The Office Action admits that Schiffmann does not teach the specific percentage of coating composition and cooking temperature limitations, which have been incorporated into claim 1 herein, but argues that those limitations would have been matters of engineering expediencies and could be easily determined by one of ordinary skill in the art.

Applicants respectfully disagree. Schiffmann would not have rendered obvious the claimed invention.

Independent claim 1, representative of the claimed invention, is directed to a microwave dry-fry cooking process, comprising: providing a food product in or on a

microwave cooking vessel, wherein said food product comprises a food load and a coating composition coated directly on said food load, said coating composition comprises at least one microwave-absorbing oil or fat; and exposing said food product in or on said microwave cooking vessel to microwave energy in a microwave oven, wherein said exposing step causes said at least one microwave-absorbing oil or fat to heat to a temperature of from about 175°C to 300°C, and wherein said at least one microwave-absorbing oil or fat is present in an amount of from about 1% to about 20% by weight of the food load. Such a microwave dry-fry cooking process is nowhere taught or suggested by Schiffmann.

Although Schiffmann discloses microwave cooking processes and coating compositions for food products, the reference fails to teach or suggest the claimed dry-fry cooking process where the food product is "fried" in a microwave oven by a particularly selected coating composition.

For example, Schiffmann discloses a packaged microwave brown and serve product, where a coating composition is applied to the outside of the food product. The coating composition includes an amino acid source, a reducing sugar, an oil, and an edible surfactant. Abstract; claim 1. According to Schiffmann, the oil can be any of various oils, including corn oil. Claim 12; page 8, first full paragraph. In Schiffmann, the oil and surfactant are present not to cook the product in a dry-fry process, but rather only to "significantly improve[] the degree of coating as well as the uniformity of the browning reaction upon heating in a microwave oven." Page 8, lines 7-12. Clearly, in the process and composition of Schiffmann, cooking of the food product is merely by microwave heating, and the coating composition is present only to provide a browning effect by reaction of the amino acid source and the reducing sugar. The oil present in the coating composition of Schiffmann is thus not present to be heated to a temperature of from about 175°C to 300°C in order to create the dry-fry cooking.

Still further, according to the disclosure of Schiffmann, the oil is present in only a small amount, such as an amount of "from 5 to 20% by weight of the coating composition." Page 8, lines 21-23. The coating composition in turn is present in only a very low amount as compared to the weight of the food product. For example, in Example 1 of Schiffmann, only 4 grams of coating composition is applied to a baked bread loaf of 160 grams. Similar coating and food load weights are described in Examples 2 and 3 of the reference.

In contrast to Schiffmann, the claimed invention requires that the at least one microwave-absorbing oil or fat be present in an amount of from about 1% to about 20% by weight of the food load. This loading of the microwave-absorbing oil or fat is required in order to create the dry-fry cooking environment of the claimed invention. Schiffmann does not teach or suggest that the microwave-absorbing oil or fat should be present in such a high amount, to create a dry-fry cooking effect, as claimed.

Accordingly, Schiffmann fails teach or suggest the claimed invention. The reference does not teach or suggest a microwave dry-fry cooking process where at least one microwave-absorbing oil or fat is present in an amount of from about 1% to about 20% by weight of the food load, and is heated by the microwave oven to a temperature of from about 175°C to 300°C to dry-fry the food load, as claimed.

Applicants submit that one of ordinary skill in the art would not have been motivated to modify the coating compositions and/or cooking processes of Schiffmann to provide the claimed dry-fry cooking process. The reference does not teach or suggest that a microwave-absorbing oil or fat should be used specifically for the purpose of cooking a food product in a microwave oven by a dry-fry process, as claimed. The instantly claimed dry-fry cooking process is a novel microwave cooking process that was not envisioned by the prior art. Nor does the reference teach or suggest that the microwave-absorbing oil or fat should be included in such an amount as to make such a dry-fry cooking process possible.

For at least these reasons, the claimed invention would not have been obvious over Schiffmann. Reconsideration and withdrawal of the rejection are respectfully requested.

C. §103 - Yuan and Schiffmann

Claims 1-31 are rejected under 35 U.S.C. §103(a) over Yuan in view of Schiffmann. Applicants respectfully traverse this rejection.

Yuan is cited as teaching or suggesting all of the limitations of the claimed invention. The Office Action argues that the reference discloses microwave cooking processes, where a coating composition is applied to a food load for cooking in a microwave oven. However, the process and materials of Yuan are different from the process and materials of the claimed invention.

In particular, Yuan discloses a process for cooking potato chips in a microwave oven. According to Yuan, the potato chips are cooked by first applying a globular protein on the potato chip, followed by a layer of edible oil, followed by subjecting the raw coated potato chip to microwave cooking. See Yuan at Abstract. Yuan specifically discloses that although the cooking mechanism is not known, the protein coating is "essential to produce a low fat product which is so similar to deep fat fried potato chips." Col. 3, lines 47-54.

In contrast to the process of Yuan, the claimed invention provides a process comprising providing a food product that comprises a food load and a coating composition coated directly on the food load, where the coating composition comprises at least one microwave-absorbing oil or fat. The claimed process utilizes this microwave-absorbing oil or fat, as described above, to enable a microwave "frying" process where the microwave-absorbing oil or fat is heated to fry the food product. According to the claimed invention, the coating composition comprising the microwave-absorbing oil or fat is coated directly on the food load, i.e., without any intervening protein coating such as is required in Yuan.

Furthermore, Yuan in combination with Schiffmann does not teach or suggest utilizing an oil or fat containing coating in the absence of a protein coating, as claimed. As described above, Yuan describes that the protein coating is required and essential in order to provide the desired cooked potato chips, and thus any combination of the cited references cannot be modified to exclude this essential feature. Any such modification of Yuan would destroy its very invention, and thus would be improper.

Accordingly, none of the cited references, alone or in combination, teach or suggest the claimed invention. For at least these reasons, the claimed invention would not have been obvious over Yuan in view of Schiffmann. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the above-identified patent application is in condition for allowance. Favorable consideration and prompt allowance are therefore respectfully requested.

Should the Examiner believe anything further would be necessary in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


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